

UNAPPROVED

**VIRGINIA BOARD OF DENTISTRY
REGULATORY-LEGISLATIVE COMMITTEE MINUTES**

October 26, 2018

Department of Health Professions

Henrico, VA 23233

- CALL TO ORDER:** Dr. Petticolas called the meeting of the Regulatory-Legislative Committee to order at 9:02AM. All Committee members were present.
- MEMBERS PRESENT:** Augustus A. Petticolas, Jr., D.D.S., Chair
Tonya A. Parris-Wilkins, D.D.S.
Tammy C. Ridout, R.D.H.
Sandra J. Catchings, D.D.S.
James D. Watkins, D.D.S.
Carol Russek, JD
- OTHER BOARD MEMBERS PRESENT:** Patricia Bonwell, R.D.H., Ph.D.
Nathaniel C. Bryant, D.D.S.
Jamiah Dawson, D.D.S.
Perry Jones, D.D.S.
- STAFF PRESENT:** Sandra K. Reen, Executive Director
Sheila Beard, Executive Assistant
Elaine Yeatts, DHP Policy Analyst
Barbara Allison-Bryan, DHP Chief Deputy
- COUNSEL PRESENT:** Jim E. Rutkowski, Asst. Attorney General
- PUBLIC COMMENT:** Dr. Petticolas announced the public comment period and no comments were forthcoming.
- APPROVAL OF MINUTES:** Dr. Watkins moved to accept the minutes from June 29, 2018 as presented. The motion was seconded and passed.
- LEGISLATION AND REGULATORY:** Ms. Yeatts provided a status report on the following regulatory actions:
- **Change in renewal schedule** – Comment period closed on 9/5/18
 - **Amendment to restriction on advertising dental specialties** – Comment period closed on 9/5/18
 - **Administration of sedation and anesthesia** – Comment period closed on 9/5/18
 - **Prescribing opioids for pain management** – Comment period closed on 9/7/18

- **Conforming rules to ADA guidelines on moderate sedation** – Published as final regulations on October 19, 2018
- **Continuing education for practice by remote supervision** – became effective on 9/20/2018
- **Education and training for dental assistants II** – Comment period closed 9/5/18

COMMITTEE DISCUSSIONS:

Ms. Yeatts reviewed and facilitated discussion of the following actions:

- **Education & Training of Dental Assistants II** – The substance of the proposed regulation needs to be reviewed to finalize proposed language in response to public comment. Staff recommended convening an ad hoc committee from the members of the Regulatory Advisory Panel for that purpose with the recommendations to be reported to the Board prior to the December Board meeting. Dr. Catchings made a motion to have staff convene an ad hoc committee to review and finalize recommendations on language for the proposed regulation. The motion was seconded and passed.
- **Petition for rulemaking from Dr. Ilchyshyn** – A copy of the petition from Dr. Ilchyshyn was reviewed by committee for consideration of granting continuing education credits for volunteer dentists who serve as preceptors to dental students volunteering at community/free clinics. The committee might recommend initiating rulemaking to make the regulatory change or recommend denying the petitioner's request. Following discussion, Ms. Ridout made a motion to recommend denying the request of the petitioner. The motion was seconded and passed.
- **Regulations for Opioid Prescribing** – A recommendation for adoption of the final regulation to replace the emergency regulation is needed. The Committee might recommend the proposed regulation with or without changes in response to public comment. A motion was made by Ms. Ridout to recommend adoption of the final regulations as proposed. The motion was seconded and passed.
- **Administration of sedation & anesthesia** – The Committee discussed the regulatory language proposed by a Regulatory Advisory Panel and the public comments received on that language. Ms. Reen stated the Board has worked on this set of regulations a number of times to address the concerns of dentists. The following sections were discussed:
 - In 18VAC6021-260.E, replacing “for or to be administered” with “for administration”
 - In 18VAC60-21-279.B, replacing “for or to be administered” with “for administration.”

Ms. Yeatts's offer to make this change every place this language appears in subsequent sections was accepted.

 - In 18VAC60-21-280.F(4), changing this section to read “If nitrous oxide/oxygen is used in addition to any other pharmacological agent and deeper levels of sedation or general anesthesia are produced, “then the” regulations for the induced level shall be followed.

- In 18VAC60-21-291 sections A(1) and A(2)(d) were discussed to draft appropriate language for certified registered nurse anesthetists. It was agreed that Ms. Reen and Ms. Yeatts would meet with the Executive Director of the Board of Nursing to determine if and how the current language should be revised.
- Comment received on 18VAC60-21-290.C against requiring a three-person treatment team for moderate sedation was considered. The Committee decided to recommend advancing the proposal to require a three-person treatment team.

Ms. Yeatts said the Committee might recommend keeping the proposed regulations as originally drafted or as amended. Dr. Watkins made a motion to recommend the regulations as amended by the Committee. The motion was seconded and passed.

- **Use of dental specialties** – The Committee can recommend advancing the regulation as proposed or take another action. Opposition to the proposed regulation was considered. Mr. Rutkowski advised recommending the proposed regulation. He also noted that a legislative change could also be proposed. Dr. Watkins made a motion to recommend advancing the proposed regulation. The motion was seconded and passed.
- **Change in renewal schedule** - The comment on the proposal to change the renewal schedule from March 31 each year to renewal by birth month beginning in 2021 was considered. It was noted that a one-time fee reduction was also proposed to minimize the financial impact on licensees. Dr. Watkins moved to recommend advancing the proposed regulation to change the renewal schedule to birth month. The motion was seconded and passed.
- **Content of Examination** – Ms. Yeatts asked the Committee to review the minutes of the August Examination Committee meeting and the current Guidance document 60-25 and consider if a regulatory action should be recommended as proposed by the Examination Committee. She said regulatory action is needed to establish content requirements for clinical exams because the Board's guidance document cannot be enforced. Ms. Yeatts added that the committee should decide if this should be a fast-track action. Ms. Reen commented on the problems that have occurred with applicants regarding acceptance of exams. Ms. Ridout made motion to recommend the draft regulation be issues as a Notice of Intended Regulatory Action and not a fast-track. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, Dr. Petticolas adjourned the meeting at 11:33AM.

Augustus A. Petticolas, Jr., D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date